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UNCLAS GUATEMALA 001743

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SUBJECT: SUPREME COURT STRIKES DOWN RIOS MONTT CANDIDACY,
LEAVING CONSTITUTIONAL COURT AS FINAL ARBITER

REF: A. GUATEMALA 1479

[1](#)B. GUATEMALA 1530

[1](#)C. GUATEMALA 1561

[1](#)1. (U) On July 4, the Supreme Court denied the appeal of FRG presidential candidate Efraín Ríos Montt against a decision of the Registry of Citizens (Ref A) which stated that he could not be a candidate for President based on prohibitions contained in Article 186 of the Constitution. Twelve of the Supreme Court magistrates voted to uphold the decision of the Registry of Citizens, and one voted against. The Supreme Court decision was widely expected, following an earlier ruling by the Supreme Electoral Tribunal (reftels).

[1](#)2. (U) Ríos Montt's legal representatives appealed the Supreme Court decision to the Constitutional Court, which has ten days to rule. The Constitutional Court has the final say in the matter, and its decision can not be appealed. Press reports claim that Ríos Montt told followers that four of the seven Constitutional Court magistrates favor overturning the decision of the Registry of Citizens, thus allowing him to run for President. It is widely believed that the Constitutional Court in fact may be favorable to a constitutional interpretation that would enable Ríos Montt to be a candidate.

[1](#)3. (U) Opposition and civil society leaders quoted in the anti-government press lauded the decision of the Supreme Court. They called on the Constitutional Court to follow the lead of the Registry of Citizens, the Supreme Electoral Tribunal and the Supreme Court.

HAMILTON